

ROCHELLE S. BERLINER

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September 3, 2010

**VIA E.C.F.**

Honorable Cheryl J. Pollak  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Jose Colon v. City of New York, et al., 09 CV 0008 (JBW)(CLP)  
Maximo Colon v. City of New York, et al., 09 CV 0009 (JBW)(CLP)

Your Honor:

We represent Plaintiffs Jose Colon and Maximo Colon in these matters. We write this letter to ask the Court to schedule: 1) a return date for the Default Judgments that have been filed against defendants Henry Tavarez and Steven Anderson and 2) a date for an inquest on damages.

On or about July 14, 2010, Plaintiffs filed an Order to Show Cause and a Declaration in Support of a Default Judgment against defendants Tavarez and Anderson. Plaintiffs also filed a Clerk's Declaration, which was entered on August 10, 2010, against each defendant on behalf of each Plaintiff. Plaintiffs also filed the Default Judgment for the Court. To date, we have not received a return date for a court appearance on the matters and therefore, have not been able to send the appropriate papers to the defendants.

On Friday, August 20, 2010, Plaintiffs, along with defendants City of New York and Alan Figueroa appeared before Judge Weinstein for oral arguments on several issues, including summary judgment for each defendant, bifurcation of the trial, and the effect of the default judgments on the course of the trial. Judge Weinstein asked Plaintiffs on the record if they would consent to having the default judgments referred to Your Honor for decision; Plaintiffs consented.

On Monday, August 23, 2010, Rochelle Berliner contacted your chambers to inquire about setting a return date for the default judgments; she was informed that the matter had not yet been referred to Your Honor. On September 2, 2010, Christina Hall contacted your chambers to inquire about setting a return date for the default judgments and was also informed that the matters had not yet been referred to Your Honor. Ms. Hall then contacted Judge Weinstein's chambers and was informed that Judge Weinstein's chambers would be contacting Your Honor.

We are writing to request that Your Honor schedule a return date for the Default Judgments so that we may properly serve the defendants with notice. We also request that your Honor set an inquest date in order to determine damages in the case in the event that the defendants do not appear to respond to the motion for default.

Plaintiffs thank Your Honor for your consideration of these matters.

Respectfully submitted,

/s/  
Rochelle S. Berliner, Esq. (RB 7463)  
Attorney for Plaintiff Jose Colon

/s/  
Christina A. Hall, Esq. (CH 2367)  
Attorney for Plaintiff Maximo Colon

cc: VIA E.C.F.:  
United States District Judge, Jack B. Weinstein  
Assistant Corporation Counsel Meghan Cavalieri  
Assistant Corporation Counsel Karl J. Ashanti  
Assistant Corporation Counsel Mary O'Flynn  
Steven Kartagener, Esq.